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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,485	03/14/2001	Christopher A. Hazen	Mo-6238/MD00-124	3626
157	7590	04/14/2004	EXAMINER	
BAYER POLYMERS LLC 100 BAYER ROAD PITTSBURGH, PA 15205			LISH, PETER J	
			ART UNIT	PAPER NUMBER
			1754	

DATE MAILED: 04/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,485

Applicant(s)

HAZEN ET AL.

eb

Examiner

Peter J Lish

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Response to Arguments***

Applicant's arguments filed 2/6/04 have been fully considered but they are not persuasive. Applicant argues regarding the rejections over Gaiger taken with Chang, Gaiger taken with Mayer-Scwinning, and Gaiger taken with Onaka, that there is no motivation to combine the references because the references are drawn toward unrelated art. However, it is seen that this not be the case.

Gaiger et al. is directed toward a method of sewage sludge incineration, which is often performed along with garbage. Gaiger is concerned with the release of dioxins and furans. Gaiger teaches that the exhaust gas of the incineration is treated so as to remove dust, sulfur dioxide, hydrochloric acid, and heavy metals. Chang is directed toward the removal of pollutants, such as dust and heavy metals, from combustion exhaust. Mayer-Scwinning is directed to the removal of pollutants, such as dust, hydrochloric acid, and sulfur dioxide, from the exhaust gas from combustion plants, specifically garbage incineration plants. Onaka is directed toward the removal of dioxins from the exhaust gas of garbage incineration. Therefore, the references are not unrelated, rather the references teach directly toward a combination. Gaiger teaches a combustion process, whereas the other references teach a process of cleaning the exhaust gases from a combustion process. Additionally, Gaiger teaches that the exhaust gas of the incineration process is treated to remove a variety of pollutants, while the other references teach means for removing these same pollutants. The motivation therefore is explicit, as stated in the office action, the process of cleaning an exhaust gas requires the incineration process to produce such as gas.

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Applicant additionally argues that *In re Kamlet* is not useful because it is outdated. However, applicant does not show case law wherein the holding of *In re Kamlet* is overturned or not maintained. The use of *In re Kamlet* is thus deemed proper.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaiger et al. ("Influence of sulphur on the formation...") taken with Chang (US 5,505,766).

The rejection of the previous office action is maintained in its entirety and incorporated herein by reference.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaiger et al. ("Influence of sulphur on the formation...") taken with Mayer-Scwinning et al. (US 5,439,508).

The rejection of the previous office action is maintained in its entirety and incorporated herein by reference.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaiger et al. ("Influence of sulphur on the formation...") taken with Onaka et al. ("Development of Dioxins Removal Systems for EAF").

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The rejection of the previous office action is maintained in its entirety and incorporated herein by reference.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Lish whose telephone number is 571-272-1354. The examiner can normally be reached on 9:00-6:00 Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PL

A handwritten signature in black ink, appearing to read 'Stuart L. Hendrickson', is positioned above the printed name.

STUART L. HENDRICKSON
PRIMARY EXAMINER